

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ELAINE SCOTT,

Plaintiff,

vs.

SCRIBD, INC.

Defendant.

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C.A. NO. 4:09-CV-03039 MH

**DEFENDANT SCRIBD, INC.'S DESIGNATION OF
NON-RETAINED EXPERT WITNESSES**

SCRIBD, INC., Defendant herein, hereby files this designation of expert witnesses, pursuant to the court's Scheduling Order of January 15, 2010, and Rule 26(a)(2), Fed. R. Civ. P.

NON-RETAINED EXPERTS

1. Joseph W. DiCecco
Gordon & Rees LLP
1900 W. Loop South, Suite 1000
Houston, Texas 77027
Telephone: (214) 231-4660
Facsimile: (214) 461-4053

Mr. DiCecco may testify regarding the reasonable and necessary attorneys' fees and costs charged to, and incurred by, Defendant, Scribd, Inc., in presenting a defense to all claims and causes of action, including without limitation, Class Action allegations, which were presented or prosecuted at any time in this lawsuit by the Plaintiff, Elaine, Scott. Mr. DiCecco has, and will have, reviewed the file in this lawsuit, interviewed the attorney's representing Scribd, Inc., and as such has and will have personal knowledge of the claims presented, and the legal services and costs incurred in defending against such claims. Mr. DiCecco is licensed to practice law in the state courts of Texas, the United States District Court for the Southern District of Texas, the Fifth Circuit Court of Appeals, the Federal Circuit Court of Appeals and the United States Supreme Court. Mr. DiCecco is familiar with the attorneys' fees customarily charged by attorneys for handling similar matters, and is familiar with attorney services normally required to properly represent clients in this, and similar contested, litigation matters. Mr. DiCecco will testify that the services rendered, and to be rendered, on behalf of Scribd, Inc. in this lawsuit were or will be performed at hourly rates that were, are, and will be normal, customary, usual and reasonable.

The attorney services rendered and to be rendered and costs incurred were all reasonably and necessarily incurred in connection with the representation of Defendant in this matter.

Mr. DiCecco may also testify to rebut any attorneys' fees and costs testimony offered by the Defendant, if any. The biographical information for Mr. DiCecco can be obtained at www.gordonrees.com.

2. Daniel Kistler
Gordon & Rees, LLP
1900 W. Loop South, Suite 1000
Houston, Texas 77027
Telephone: (713) 961-3366
Facsimile: (713) 961-3938

Mr. Kistler may testify regarding the reasonable and necessary attorneys' fees and costs charged to, and incurred by, Defendant, Scribd, Inc., in presenting a defense to all claims and causes of action, including without limitation, Class Action allegations, which were presented or prosecuted at any time in this lawsuit by the Plaintiff, Elaine, Scott. Mr. Kistler has, and will have, personal knowledge of the claims presented, and the legal services and costs incurred in defending against such claims. Mr. Kistler is licensed to practice law in the state courts of Texas, the United States District Court for the Southern District of Texas, the Fifth Circuit Court of Appeals, the Federal Circuit Court of Appeals and the United States Supreme Court. Mr. Kistler is familiar with the attorneys' fees customarily charged by attorneys for handling similar matters, and is familiar with attorney services normally required to properly represent clients in this, and similar contested, litigation matters. Mr. Kistler will testify that the services rendered, and to be rendered, on behalf of Scribd, Inc. in this lawsuit were or will be performed at hourly rates that were, are, and will be normal, customary, usual and reasonable. The attorney services rendered and to be rendered and costs incurred were all reasonably and necessarily incurred in connection with the representation of Defendant in this matter.

Mr. Kistler may also testify to rebut any attorneys' fees and costs testimony offered by the Defendant, if any. The biographical information for Mr. Kistler can be obtained at www.gordonrees.com.

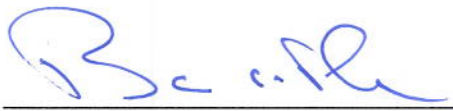
3. Barry G. Flynn
Gordon & Rees, LLP
1900 W. Loop South, Suite 1000
Houston, Texas 77027
Telephone: (713) 961-3366
Facsimile: (713) 961-3938

Mr. Flynn may testify regarding the reasonable and necessary attorneys' fees and costs charged to, and incurred by, Defendant, Scribd, Inc., in presenting a defense to all claims and causes of action, including without limitation, Class Action allegations, which were presented or prosecuted at any time in this lawsuit by the Plaintiff, Elaine, Scott. Mr. Flynn has, and will

have, personal knowledge of the claims presented, and the legal services and costs incurred in defending against such claims. Mr. Flynn is licensed to practice law in the state courts of Texas, the United States District Court for the Southern District of Texas, the Fifth Circuit Court of Appeals, and the United States Supreme Court. Mr. Flynn is familiar with the attorneys' fees customarily charged by attorneys for handling similar matters, and is familiar with attorney services normally required to properly represent clients in this, and similar contested, litigation matters. Mr. Flynn will testify that the services rendered, and to be rendered, on behalf of Scribd, Inc. in this lawsuit were or will be performed at hourly rates that were, are, and will be normal, customary, usual and reasonable. The attorney services rendered and to be rendered and costs incurred were all reasonably and necessarily incurred in connection with the representation of Defendant in this matter.

Mr. Flynn may also testify to rebut any attorneys' fees and costs testimony offered by the Defendant, if any. The biographical information for Mr. Flynn can be obtained at www.gordonrees.com.

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant Scribd, Inc.'s Designation of Expert Witnesses** has been forwarded to Plaintiff by serving its counsel of record, as set forth below, in accordance with Fed. R. Civ. P. 5, by electronic mail and/or First Class U.S. Mail, postage prepaid, on the 1st day of July, 2010.

K.A.D. Camara
Kent Radford
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Barry G. Flynn/Daniel Kistler